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EXAMINER				
SALTARELLI, DOMINIC D				
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2421				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/605,683

Applicant(s)

ELLIS, MICHAEL D.

Examiner

DOMINIC D. SALTARELLI

Art Unit

2421

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-57, 60-100, 102-150 and 153-192 is/are pending in the application.
- 4a) Of the above claim(s) 16-26, 38-52, 63-93, 109-119, 131-145 and 156-186 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 27-37, 53-57, 60-62, 94-100, 102-108, 120-130, 146-150, 153-155 and 187-192 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-843)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 4, 2009 has been entered.

Response to Arguments

2. Applicant's arguments filed March 4, 2009 have been fully considered but they are not persuasive.

First, applicant argues that the combination of Stautner, Farris, and Yen do not disclose updated the newsgroups listings when the displayed program listing changes (applicant's remarks, page 30).

In response, as explained below, this feature has always been inherent in the combination of Stautner, Farris, and Yen, because Stautner teaches providing access to the listings in a manner that is directly associated with individual program cells. As the program guide listings are updated over time as new program cells are displayed, new newsgroup listings associated with particular programs would similarly be displayed.

Second, applicant argues that the "crosslinking" disclosed by Yen is not analogous to the "cross-referencing" recited in claims 1 and 94 since "information sources provide the crosslinks".

In response, it is unclear how applicant feels this distinguishes between the claimed "cross-referencing" found in claims 1 and 94 and the "crosslinking" disclosed in Yen. The claims only go so far as to state that "at least one of the program listings has at least one newsgroup listing cross-referenced to an aspect of the program listing by the interactive television application". The examiner interpreted this limitation to state that the interactive television application performs at least one active step in providing the unified interface, and there is little in the claim which limits the broadest reasonable interpretation of this limitation (see for example, the originally filed specification, which states that the cross-referencing done by the application is simply querying a newsgroup server whether there are any newsgroups associated with a particular program, page 47, lines 25-32, where the original cross-referencing of contents is done remotely at a television distribution facility, page 52, lines 9-26, not at a user's local set top box). Yen teaches this active step is in identifying a possible source of secondary information by examining a particular program for information which suggests a secondary source and deciding to provide this information to the foreground element (see also Yen, col. 9, lines 13-35).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11, 14, 15, 94-104, 107, 108, 187, and 190 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner et al. (6,172,677, of record) [Stautner] in view of Farris et al. (5,881,131, of record) [Farris] and Yen et al. (5,991,799, of record) [Yen].

Regarding claims 1, 94, 187, and 190, Stautner discloses a method and system for allowing a user to access additional data via an interactive television application that is implemented using user television equipment having a display on which content is displayed (see fig. 2), comprising:

displaying a plurality of program listings in the interactive television application on the display, wherein at least one of the program listings have associated additional data related to the subject matter of the program listing (see fig. 2);

notifying the user of the availability of the additional data related to the subject matter of the program listing (the visible icons listed in the program guide provide links to the additional data when it is available, see fig. 2, links 30-80);

allowing the user to issue a command associated with viewing the additional data (col. 5, lines 15-43);

displaying the additional data on the display upon the user issuing the command (col. 5, lines 15-43); and

updating the listing of additional data presented when the displayed program listings change (the individual listings of additional data are specific to the programs to which they are associated, see fig. 2, col. 3 line 40 - col. 4 line 8, and col. 6, lines 8-49, therefore when the listings are updated, the links to additional data will also be updated).

Stautner fails to disclose the additional data is newsgroup listings which are cross referenced to an aspect of the program listing by the interactive television application, wherein users are allowed to select one of the newsgroup listings and newsgroup message listings associated with the selected newsgroup listing are displayed upon a user selecting the newsgroup listing.

In an analogous art, Farris teaches the use of newsgroups as an Internet source of information on all manner of topics (col. 22 line 52 – col. 23 line 27), wherein newsgroups are extremely popular online forums for users to share information (col. 22, lines 53-58 and col. 23, lines 18-27).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Stautner to access newsgroup listings, as taught by Farris, for the benefit of incorporating extremely popular and user interactive sources of information. Allowing users to select one of the newsgroup listings and newsgroup message listings associated with the selected newsgroup

listing are displayed upon a user selecting the newsgroup listing in the manner in which newsgroup listings are presented to users, as described above.

Stautner and Farris fail to disclose the newsgroup listings are cross-referenced to an aspect of the program listing by the interactive television application.

In an analogous art, Yen teaches a system for providing additional information regarding programming being viewed (col. 3, lines 5-10) wherein additional information presented is selected by cross-referencing it with aspect of a program listing (such as subject matter, topic, or actors, col. 7, lines 26-67 and col. 8 line 58 – col. 9 line 12), providing the benefit of identifying content that is both relevant to the broadcast program being viewed and that is of interest to the viewer (“using one information source to determine priority for another” col. 3, lines 10-25).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Stautner and Farris to include cross referencing the newsgroup listings to an aspect of the program listing by the interactive television application, as taught by Yen, for the benefit of identifying listings that are both relevant to the broadcast program being viewed and are of interest to the viewer.

Regarding claims 2-4 and 95-97, Stautner, Farris, and Yen disclose the method and system of claims 1 and 94, wherein the newsgroups listings includes

USENET group listings (Farris, col. 22, lines 53-58), but fail to disclose the newsgroup listings include proprietary newsgroup listings or third-party newsgroup listings.

Newsgroups that are hosted by any party with an interest in the subject to which the newsgroup is aimed, including proprietary parties and third parties, such as individual users, fan clubs, advertisers, sponsors, and content providers, and all such newsgroups are more than often available and open to the public at large for perusal.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Stautner, Farris, and Yen to include proprietary newsgroup listings and third-party newsgroup listings, as such group listings are available for all manner topics, and including proprietary and/or third party listings would increase the diversity of information retrieved for viewing by a user.

Regarding claims 5 and 98, Stautner, Farris, and Yen disclose the method and system of claims 1 and 94, including simultaneously displaying the content on the display (see Stautner, fig. 3).

Regarding claims 6 and 99, Stautner, Farris, and Yen disclose the method and system of claims 1 and 94, wherein issuing a command is comprised of pressing a button on a remote control (Stautner, col. 4, lines 54-64).

Regarding claims 7 and 100, Stautner, Farris, and Yen disclose the method and system of claims 1 and 94, wherein issuing a command is comprised of selecting a selectable element from the display (Stautner, col. 5, lines 15-43).

Regarding claims 9, 10, 102, and 103, Stautner, Farris, and Yen disclose the method and system of claims 1 and 94, wherein all available newsgroup message listings are displayed (as all the available displayed messages are the newest messages, as Farris teaches older messages are periodically purged to make room for new messages, col. 23, lines 6-11).

Regarding claims 11 and 104, Stautner, Farris, and Yen disclose the method and system of claims 1 and 94, wherein users are allowed to select one of the newsgroup message listings and, upon selection, displaying the newsgroup message associated with the selected newsgroup message listing on the display (as this is how newsgroups operate in practice).

Regarding claims 14 and 107, Stautner, Farris, and Yen disclose the method and system of claims 1 and 94, including displaying a plurality of newsgroup listings on the display upon the user issuing the command, wherein each of the newsgroup listings that are displayed is related to the subject matter of the program listing (as this is how newsgroups operate in practice, when a

user is connected to a newsgroup, that user is presented with a list of listings posted by individuals, the contents of said listings being related to the topic of the particular newsgroup).

Regarding claims 15 and 108, Stautner, Farris, and Yen disclose the method and system of claims 1 and 94, wherein the interactive television application is an interactive television program guide (see Stautner, fig. 2).

5. Claims 12 and 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner, Farris, and Yen as applied to claims 11 and 104 above, and further in view of Dillon et al. (US 2002/0059526 A1, of record) [Dillon].

Regarding claims 12 and 105, Stautner, Farris, and Yen disclose the method and system of claims 11 and 104, but fail to disclose allowing the user to access at least one attachment associated with the displayed newsgroup message, activating an application associated with the attachment, and using the application to display the content of the attachment.

In an analogous art, Dillon teaches it is common for newsgroup messages to include attachments (paragraph 0007), wherein accessing the attachments requires activating an application which displays the content of the attachment (such as a media player for audio or video files, or an image viewer for static image files).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Stautner, Farris, and Yen to include allowing the user to access at least one attachment associated with the displayed newsgroup message, activating an application associated with the attachment, and using the application to display the content of the attachment, as taught by Dillon, for the benefit of enabling users to view the attachments that are often included with newsgroup messages.

6. Claims 13 and 106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner, Farris, and Yen as applied to claims 1 and 94 above, and further in view of Alexander et al. (6,177,931, of record) [Alexander].

Regarding claims 13 and 106, Stautner, Farris, and Yen disclose the method and system of claims 1 and 94, but fail to disclose simultaneously displaying an interactive advertisement on the display.

In an analogous art, Alexander teaches an electronic program guide (fig. 8) wherein users are presented with interactive advertisements (col. 4, lines 35-43) simultaneously with other content (fig. 1), providing an improved opportunity for commercial advertisers to reach viewers (item F listed in the summary in col. 2).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Stautner, Farris, and Yen to include simultaneously displaying an interactive advertisement on this display, as

taught by Alexander, for the benefit of providing commercial advertisers improved opportunities to reach viewer using high visibility advertisements.

7. Claims 27-33, 120-126, 188, and 191, are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner in view of Farris, Scharber et al. (6,374,290, of record) [Scharber], Humes (5,996,011, of record), and Yen.

Regarding claims 27, 32, 33, 120, 125, 126, 188, and 191, Stautner discloses a method and system for displaying additional information to a user of an interactive television application (fig. 2) comprising, allowing the user to use the interactive television application to access the additional information, and displaying the additional information to the user (col. 5, lines 15-43).

Stautner fails to disclose the additional data is moderated newsgroup listings, and using an automatic filter to moderate the newsgroup messages, wherein each of the newsgroup messages is associated with a respective newsgroup and is moderated to meet a predefined rating associated with the respective newsgroup, wherein newsgroup messages that do not meet the predefined rating are automatically edited to meet the predefined rating associated with the respective newsgroup, and at least one newsgroup message being cross-referenced by the interactive television application to an aspect of at least one program listing.

In an analogous art, Farris teaches the use of moderated newsgroups as an Internet source of information on all manner of topics (col. 22 line 52 – col. 23

line 27), wherein newsgroups are extremely popular online forums for users to share information (col. 22, lines 53-58 and col. 23, lines 18-27).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Stautner to access moderated newsgroup listings, as taught by Farris, for the benefit of incorporating extremely popular and user interactive sources of information.

Stautner and Farris fail to disclose using an automatic filter to moderate the newsgroup messages, wherein each of the newsgroup messages is associated with a respective newsgroup and is moderated to meet a predefined rating associated with the respective newsgroup, wherein newsgroup messages that do not meet the predefined rating are automatically edited to meet the predefined rating associated with the respective newsgroup, and at least one newsgroup message being cross-referenced by the interactive television application to an aspect of at least one program listing.

In an analogous art, Scharber teaches self moderated virtual communities (col. 2, lines 44-46) wherein ratings are associated with different groups (col. 3, lines 46-51), and said ratings determine how messages in the groups are automatically filtered (the automatic filter is the NNRP agent, col. 3 line 63 – col. 4 line 15), allowing virtual communities to automatically self moderate themselves to remove objectionable content from messages according to the preferences of the users (col. 4, lines 16-42).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Stautner and Farris to include predefined ratings for newsgroups, wherein messages are automatically filtered according to said predefined ratings, as taught by Scharber, for the benefit of enabling self moderation of newsgroups to remove objectionable content from messages.

Stautner, Farris, and Scharber fail to disclose newsgroup messages that do not meet the predefined rating are automatically edited to meet the predefined rating associated with the respective newsgroup, and at least one newsgroup message being cross-referenced by the interactive television application to an aspect of at least one program listing.

In an analogous art, Humes teaches a system for filtering data received by computer system wherein content is edited to meet a predefined rating (col. 7, lines 48-54) for the benefit of allowing users to access the non-objectionable portions of messages as opposed to completely removing them (co. 2, lines 22-39).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Stautner, Farris, and Scharber to include editing content to meet a predefined rating, as taught by Humes, for the benefit of allowing users to access the non-objectionable portions of messages as opposed to completely removing them.

Stautner, Farris, Scharber, and Humes fail to disclose at least one newsgroup message being cross-referenced by the interactive television application to an aspect of at least one program listing.

In an analogous art, Yen teaches a system for providing additional information regarding programming being viewed (col. 3, lines 5-10) wherein additional information presented is selected by cross referencing it with aspect of a program listing (such as subject matter, topic, or actors, col. 7, lines 26-67 and col. 8 line 58 – col. 9 line 12), providing the benefit of identifying content that is both relevant to the broadcast program being viewed and that is of interest to the viewer (“using one information source to determine priority for another” col. 3, lines 10-25).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Stautner, Farris, Scharber, and Humes to include cross referencing the newsgroup listings to an aspect of the program listing, as taught by Yen, for the benefit of identifying listings that are both relevant to the broadcast program being viewed and are of interest to the viewer.

Regarding claims 28 and 121, Stautner, Farris, Scharber, Humes, and Yen disclose the method and system of claims 27 and 120, and further disclose using a human moderator to moderate the newsgroup message (Farris, col. 22, lines 52-65).

Regarding claims 29-31 and 122-124, Stautner, Farris, Scharber, Humes, and Yen disclose the method and system of claims 27 and 120, but fail to disclose exactly where the moderation takes place.

It is notoriously well known to moderate, or filter, content delivered to users at both main facilities, such as television distribution facilities, and at locations other than main facilities, such as receiver stations, where main facilities will only broadcast content which is allowed to be viewed by certain users and receiver stations will only display content which is allowed to be viewed by certain users.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Stautner, Farris, Scharber, Humes, and Yen to perform the moderation at either a main facility, such as a television broadcast facility, or at a location other than a main facility or television broadcast facility, such as at the receiver station. The benefit of performing moderation at a main facility, such as a television broadcast facility, would allow the moderation to be controlled at a remote location, for controlling the delivery of content with regards to usage rights and/or privileges, such as paid or exclusive content going only to those users who have paid for or otherwise have the right to said content. The benefit of providing moderation at a location other than a main facility or television distribution facility would allow the moderation to be controlled locally, such as providing parental control moderation.

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8. Claims 34, 35, 37, 127, 128, and 130 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner, Farris, Scharber, Humes, and Yen as applied to claims 27 and 120 above, and further in view of Cirasole et al. (5,987,606, of record) [Cirasole].

Regarding claims 34 and 127, Stautner, Farris, Scharber, Humes, and Yen disclose the method and system of claims 27 and 120, but fail to disclose allowing users to use the interactive television program guide to selectively identify and block access to particular newsgroups.

In an analogous art, Cirasole discloses allowing users to selectively identify and block access to particular sources of content (col. 5, lines 31-43), for the benefit of limiting sources to exclude unauthorized sources.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Stautner, Farris, Scharber, Humes, and Yen to include allowing users to selectively identify and block access to particular content sources, as taught by Cirasole, using the interactive television program guide, for the benefit of limiting sources to exclude unauthorized sources, providing parental control over available newsgroups.

Regarding claims 35 and 128, Stautner, Farris, Scharber, Humes, Yen, and Cirasole disclose the method and system of claims 34 and 127, wherein Cirasole further discloses displaying a message to a user who attempts to

access an unauthorized content source (col. 5, lines 44-50), alerting a user to the status of the content source with respect to the user.

Regarding claims 37 and 130, Stautner, Farris, Scharber, Humes, Yen, and Cirasole disclose the method and system of claims 34 and 127, wherein the interactive television application is an interactive television program guide (see Stautner, fig. 2).

9. Claims 36 and 129 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner, Farris, Scharber, Humes, Yen, and Cirasole as applied to claims 34 and 127 above, and further in view of Dillon.

Regarding claims 36 and 129, Stautner, Farris, Scharber, Humes, Yen, and Cirasole disclose the method and system of claims 34 and 127, but fail to disclose allowing one user to set an access code, allowing any number of users to attempt to access the selected newsgroups, asking the user attempting to access any of the selected newsgroups to enter the access code, and giving the user attempting to access any of the selected newsgroups access to the selected newsgroups once the user enters the access code.

In an analogous art, Dillon teaches enabling a user to password protect access to newsgroups at a subscriber location (paragraph 56), enhancing the security of a subscriber station.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Stautner, Farris, Scharber, Humes, Yen, and Cirasole to password protect access to newsgroups at a subscriber location, as taught by Dillon, providing enhanced security at the user location regarding the access to newsgroups, such that the primary user can selectively share said password with other trusted users.

10. Claims 53-57, 60-62, 146-150, 153-155, 189, and 192, are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander in view of Farris and Yen.

Regarding claims 53, 146, 189, and 192, Alexander discloses a method and system for displaying interactive television program guide content to a user (fig. 1) on user television equipment having a display (col. 3, lines 1-20), comprising:

Displaying television programming in a reduced size window in a first section of the display (fig. 1, PIP window 12, col. 3, lines 56-62); and

Simultaneously displaying additional information in a second section of the display (grid guide 22 displays additional information regarding programs, col. 4 line 62 – col. 5 line 4); and

simultaneously displaying other content in a third section of the display (fig. 1, Ad Window 16), wherein the additional information is related to the subject matter of the television programming (when the PIP is in unlocked mode, the program for which additional information is shown is that which is being displayed

in the first section, col. 3 line 63 – col. 4 line 13 and col. 4 line 62 – col. 5 line 4), and thus also the other content, which is also related to the subject matter of the television programming (col. 26 line 57 – col. 27 line 2).

Alexander fails to disclose the additional information consists of newsgroup content cross-referenced to an aspect of the television programming, wherein users select a newsgroup message listing of the newsgroup message listings and a newsgroup message associated with the selected newsgroup message listing upon the user selection of the newsgroup message listing is displayed.

In an analogous art, Farris teaches the use of newsgroups as a source of information on all manner of topics (col. 22 line 52 – col. 23 line 27), wherein newsgroups are extremely popular online forums for users to share information (col. 22, lines 53-58 and col. 23, lines 18-27).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Alexander to access newsgroup content, as taught by Farris, for the benefit of incorporating extremely popular and user interactive sources of information. User selection of a newsgroup message listing of the newsgroup message listings and a newsgroup message associated with the selected newsgroup message listing upon the user selection of the newsgroup message listing being displayed is the manner in which newsgroups messages are accessed.

Alexander and Farris fail to disclose the newsgroup listings are cross-referenced to an aspect of the television programming.

In an analogous art, Yen teaches a system for providing additional information regarding programming being viewed (col. 3, lines 5-10) wherein additional information presented is selected by cross referencing it with aspect of a program listing (such as subject matter, topic, or actors, col. 7, lines 26-67 and col. 8 line 58 – col. 9 line 12), providing the benefit of identifying content that is both relevant to the broadcast program being viewed and that is of interest to the viewer (“using one information source to determine priority for another” col. 3, lines 10-25).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Alexander and Farris to include cross referencing the newsgroup listings to an aspect of the television programming, as taught by Yen, for the benefit of identifying listings that are both relevant to the broadcast program being viewed and are of interest to the viewer.

Regarding claims 54 and 147, Alexander, Farris, and Yen disclose the method and system of claims 53 and 146, wherein the other content is comprised of an interactive advertisement (Alexander, fig. 1, Ad Window 16, col. 4, lines 35-43).

Regarding claims 55, 56, 57, 148, 149, and 150, Alexander, Farris, and Yen disclose the method and system of claims 53 and 146, wherein the newsgroup content includes newsgroup listings, message listings, and messages (this is the manner in which newsgroups operate, users select a desired newsgroup listing in order to enter a desired newsgroup, and are then presented with newsgroup message listings so that a user may select a desired message, wherein the user is then presented with said message).

Regarding claims 60 and 153, Alexander, Farris, and Yen disclose the method and system of claims 53 and 146, wherein the other content is comprised of text (commercials for products and services include text).

Regarding claims 61, 62, 154, and 155, Alexander, Farris, and Yen disclose the method and system of claims 53 and 146, wherein the other content is comprised of video [graphics] (Alexander, col. 4, lines 28-34).

Conclusion

11. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued

examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic Saltarelli whose telephone number is (571)272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dominic D Saltarelli/
Primary Examiner, Art Unit 2421